

**REMARKS****I. Status of the Claims:**

Claims 43-46 are currently pending. Of these, claims 43 and 46 are independent.

**II. Rejection Under 35 U.S.C. §112:**

Claims 43-46 are rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully traverses this rejection. In making this rejection, the Examiner asserts that particular phrases in independent claims 43 and 46 are indefinite. However, Applicant respectfully disagrees. These phrases clearly indicate that a key changes based on a time. Accordingly, Applicant requests that this rejection be withdrawn.

**III. Rejection Under 35 U.S.C. §102(e):**

Claims 43-46 have been rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 5,933,500 to Blatter et al (“Blatter”). Applicant respectfully traverses this rejection.

Blatter involves a video receiver system that receives a video broadcast and generates a program datastream. This datastream may be in either encrypted or decrypted form. A block diagram of this system is shown in Figure 1 of Blatter. On page 3 of the Office Action, the Examiner alleges that the features of independent claims 43 and 46 are disclosed by Blatter at column 6, line 5 through column 8, line 7. However, Applicant respectfully disagrees.

For instance, Blatter does not disclose charging on the basis of a watching and listening time, as recited in these claims. Instead, Blatter merely appears to disclose program-

based charging. Such charging schemes are disclosed, for example, in Blatter at column 7, line 66 at and column 11, lines 40-67.

Moreover, claims 43-46 recite recording a watching and listening time by integrating. This feature is neither disclosed nor suggested by Blatter. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

**CONCLUSION**

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4396US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4396US1.

Respectfully submitted,  
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Dated: May 12, 2005 By: John A. Harroun

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